

ESTTA Tracking number: **ESTTA33965**

Filing date: **05/25/2005**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Rational Enterprises Limitada
Granted to Date of previous extension	05/25/2005
Address	El Patio Bldg, Plaza Roble Corp. Centrec/o Facio Abogados, 3rd Floor Guachipelin Escazu, COSTA RICA

Domestic Representative	Melissa Cross and John Sheesley Attorneys Arnold & Porter LLP 555 Twelfth Street, N.W. IP Docketing Washington, DC 20004 UNITED STATES trademarkdocketing@aporter.com Phone:703-720-7022
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Applicant Information

Application No	78394518	Publication date	01/25/2005
Opposition Filing Date	05/25/2005	Opposition Period Ends	05/25/2005
Applicant	Primo Holdings Capital LLC 21 Lakeside Rd.		

	Mahopac, NY 10541 UNITED STATES
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Goods/Services Affected by Opposition

Class 041. All goods and services in the class are opposed, namely: Entertainment in the nature of online gaming services
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Attachments	World Cup NotOpp.pdf (5 pages)
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Signature	/john sheesley/
Name	Melissa Cross and John Sheesley
Date	05/25/2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In Re Application Serial No. 78/394,518

Mark: WORLD CUP OF ONLINE POKER

Filed: April 1, 2004

Published: January 25, 2005

Rational Enterprises Limitada,)	
)	
Opposer,)	
)	Opposition No. _____
v.)	
)	
Primo Holdings Capital LLC,)	
)	
Applicant.)	
)	

NOTICE OF OPPOSITION

Rational Enterprises Limitada (“Opposer”) believes that it will be damaged by the registration of the alleged mark, “WORLD CUP OF ONLINE POKER”, which is the subject of Application Serial No. 78/394,518 and hereby opposes registration of the same under the provisions of Section 13 of the Trademark Act of July 5, 1946, as amended, 15 U.S.C. § 1063 and Trademark Rule 2.101, 37 C.F.R. § 2.101.

As grounds for opposition, Opposer alleges that:

I. THE OPPOSER

1. Opposer is a Costa Rican company with its principal place of business at Plaza Roble Corporate Center, San Jose, Costa Rica.

2. Opposer owns and operates gaming services, including an Internet multi-player poker room at the website located at www.pokerstars.com. For several years, Opposer has offered a variety of games and tournaments, including poker, through that website and elsewhere. Opposer has used the marks WORLD CUP OF POKER and WORLD CHAMPIONSHIP OF ONLINE POKER in offering those services and, through use of those marks in interstate commerce, has acquired rights in those marks. In addition, Opposer has an application to register the mark WORLD CHAMPIONSHIP OF ONLINE POKER pending with the U.S. Patent and Trademark Office. Upon information and belief, Opposer has priority in the marks WORLD CUP OF POKER and WORLD CHAMPIONSHIP OF ONLINE POKER over Applicant's alleged mark WORLD CUP OF ONLINE POKER, which is the subject of Applicant's intent-to-use application.

II. THE APPLICANT AND ITS APPLICATION

3. On information and belief, applicant Primo Holdings Capital LLC ("Applicant") is a Delaware limited liability company located at 21 Lakeside Road, Mahopac, New York 10541.

4. Applicant seeks to register the alleged mark WORLD CUP OF ONLINE POKER for "entertainment in the nature of online gaming services" in International Class 41. The application was filed on April 1, 2004, on the basis of Applicant's intent to use the alleged mark in connection with these services. Applicant's alleged mark was published for opposition on January 25, 2005. Applicant has disclaimed exclusive rights to the "ONLINE POKER" portion of the alleged mark.

5. Opposer sought and received an extension of time to oppose registration of Applicant's alleged mark.

GROUND FOR THE OPPOSITION

6. Applicant's alleged mark is confusingly similar to Opposer's marks WORLD CUP OF POKER and WORLD CHAMPIONSHIP OF ONLINE POKER for the following reasons, among others, and thus should be denied registration:

- a. The Parties' Marks Are Nearly Identical. Applicant seeks to register WORLD CUP OF ONLINE POKER. Only one word distinguishes Applicant's alleged mark from either of Opposer's marks. Applicant's alleged mark differs from Opposer's mark WORLD CUP OF POKER only by the presence or absence of the term "ONLINE", which word Applicant has disclaimed. Similarly, Applicant's alleged mark differs from Opposer's mark WORLD CHAMPIONSHIP OF ONLINE POKER only by the substitution of the term "CUP" for the term "CHAMPIONSHIP".
- b. The Parties' Services Are Also Identical or Nearly Identical. Like Applicant, Opposer evidently offers or plans to offer Internet gaming services through a website.
- c. The Parties Target Similar Groups. The parties each provide or plan to provide their respective services to similar target groups, i.e., Internet users with an interest in playing online games such as poker.
- d. The Parties Use or Plan to Use Similar Trade Channels. Because each operates or plans to operate a gaming website, Applicant and Opposer use or plan to use similar trade channels to offer their respective services under the respective marks at issue in this case.

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For the reasons set forth in the foregoing Paragraphs 1 through 6, Opposer believes that it will be damaged by the registration of Applicant's alleged WORLD CUP OF ONLINE POKER mark. Applicant should thus be denied registration of this mark, and this Opposition to Application Serial No. 78/394,518 should be sustained.

RATIONAL ENTERPRISES LIMITADA

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Dated: May 25, 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
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In Re Application Serial No. 78/394,518

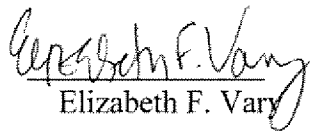
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Applicant.)	
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I hereby certify that the foregoing Notice of Opposition is being filed electronically, with the required fee, on May 25, 2005 with the U.S. Patent and Trademark Office, Trademark Trial and Appeal Board.


Elizabeth F. Vary